
Hazardous Materials and Uses

15.0 HAZARDOUS MATERIALS AND USES

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I. STATUTORY REQUIREMENTS

State of California legislation AB294B (Tanner) and Government Code Section 41500 et seq. requires that cities adhere to countywide hazardous waste management plans and apply local implementation of applicable actions of the County plan in the General Plan.

Each countywide siting element and revision thereto, shall include, but is not limited to, all of the following:

- a. A statement of goals and policies for the environmentally safe transformation or disposal of solid waste which cannot be reduced, recycled, or composted.
- b. An estimate of the total transformation or disposal capacity in cubic yards that will be needed for a 15-year period to safely handle solid wastes generated with the county which cannot be reduced, recycled, or composted.

The remaining combined capacity of existing solid waste transformation or disposal facilities existing at the time of the preparation of the siting element, or revision thereto, in cubic yards and years.

The identification of an area or areas for the location of new solid waste transformation or disposal facilities or the expansion of existing facilities which are consistent with the applicable city or county general plan if the county determines that existing capacity will be exhausted within 125 years or additional capacity is desired.

II. OPPORTUNITIES AND CONSTRAINTS (ISSUES)

1. The primary issues relating to hazardous wastes are the storage, use and generation of these materials, their transportation to points of use and points of disposal and finally the methods of properly disposing of these materials. Commercial and industrial users of hazardous materials need to continue to be identified and monitored by the San Clemente Fire Department. Household use of hazardous materials cannot reasonably be as closely monitored.
2. Due to the high population density of Orange County, transportation of hazardous materials can be especially risky. Two main transportation routes pass through City limits, Interstate 5 and the Atchison, Topeka and Santa Fe Railway. The U.S. Department of Transportation regulates the transfer of hazardous materials. Routine shipments do not require any notification be given to local officials. Transport of highly hazardous or toxic materials must be reported to the California Highway Patrol and the local Police Department if surface streets are to be used.
3. Disposal of hazardous wastes has been complicated by the existence of few facilities which could safely handle these materials. The scarcity of disposal facilities and the realization of the damage to the environment caused by previous unregulated disposal has encouraged treatment of waste products prior to disposal. Commercial and industrial users of toxic materials are subject to biannual inspections by the EPA and County Health Department and regulations covering their use and disposal of those materials. However, household use of hazardous materials is not as closely regulated and disposal of used and unused hazardous materials frequently occurs in non-hazardous waste collection services or the sewer.
4. The TRW Capistrano test site, located within San Clemente's Sphere of Influence, is considered to be a large-scale generator of hazardous wastes. Re-search, development and testing of chemical propulsion systems at this facility creates hazardous wastes which are shipped through San Clemente by way of Avenida Pico and Inter-state 5. It may be incompatible with the proposed future development within the Sphere of Influence.

III. OVERVIEW OF HAZARDOUS MATERIALS AND USES POLICIES

This portion of the Hazardous Materials and Uses Element establishes goals, objectives, policies and implementation programs to provide for the safety of the community in the presence of Hazardous Materials and Uses. Policies stated in this section contain a direct relationship to the desired goals of the community and the issue identified. These policies are the tools with which the City of San Clemente can achieve its vision for the future. The policies of the Hazardous Materials and Uses address the following:

1. Protecting of surface and groundwater quality, land resources, air quality and environmentally sensitive areas from contamination.
2. Providing for safe transportation, handling, storage and disposal of hazardous wastes in the community.
3. Preventing the loss of life, serious injuries and major economic disruption caused by accidents related to hazardous uses/materials.

IV. GOALS, OBJECTIVES AND POLICIES

The City's goals, objectives, and policies for hazardous materials and uses should be designed to ensure that the public health, safety, welfare and environmental resources are protected. The following presents the goals, objectives and policies for hazardous uses and materials in the City of San Clemente. Implementation programs are contained in the following subsection. Listed at the end of each policy is a capital "I" and a number(s) in parentheses, which refers to the pertinent implementing program(s).

Goals

- Protect public health, safety, and welfare, and the environment in San Clemente City through proper planning for hazardous waste management and the implementation of the Orange County Hazardous Waste Management Plan.
- Promote proper operations management of hazardous materials operations and enforce applicable regulations.
- Ensure a coordinated and effective emergency response system.
- Minimize the threat of surface and subsurface water contamination and promote restoration of healthful groundwater resources.

A. Hazardous Waste Management Planning

Objective

- 15.1 Ensure protection of surface and groundwater quality, land resources; air quality, and environmentally sensitive areas; and provide for the safe transportation of waste through comprehensive planning.

Policies

- 15.1.1 Require that the owners of contaminated sites develop a remediation plan with the assistance of the Orange County Environmental Management Agency (EMA) (*I 15.1, I 15.5, I 15.6, I 15.7, I 15.9, and I 15.13*).
- 15.1.2 Publicize areas of known hazardous materials contamination to reduce risk to the public health, safety and welfare (*I 15.5, I 15.14*).
- 15.1.3 Work with the County to determine the City's long term need for hazardous materials management facilities including collection, treatment and disposal. Any finding that indicates a need to site facilities within the City shall be followed by the development of stringent land use controls on such facilities including setbacks from hospitals, schools, convalescent care facilities and other sensitive land uses; and performance standards (*I 15.2, I 15.3, I 15.6, I 15.10, and I 15.15*).

B. Hazardous Waste Operations

Objective

- 15.2 Protect the public from the risks of hazardous uses/materials in transport, handling, storage and disposal.

Policies

- 15.2.1 Continue the San Clemente Fire Department's hazardous materials disclosure program (*I 15.6, I 15.7, I 15.8, I 15.9, and I 15.10*).
- 15.2.2 Work with the County EMA to promote waste minimization and use of best available technology in City businesses (*I 15.14*).
- 15.2.3 Work with the County to establish an education program to provide information on alternative management techniques of hazardous wastes including household hazardous wastes (*I 15.14*).
- 15.2.4 Continue to work with the County which operates a household hazardous waste collection facility at the Prima Deshecha landfill that serves the City (*I 15.11, I 15.13, and I 15.15*).
- 15.2.5 Continue all existing hazardous materials and uses programs that are consistent with the goals, objectives, and policies of the Orange County Hazardous Waste Management Plan (*I 15.1, I 15.4, I 15.6, I 15.7, I 15.8, I 15.9, I 15.10, I 15.11, I 15.12, and I 15.14*).

C. Emergency Response Planning

Objective

- 15.3 Prevent loss of life, serious injuries and major economic disruption caused by hazardous uses/materials and related accidents.

Policies

- 15.3.1 Facilitate coordinated, effective response to hazardous materials emergencies in the City to minimize health and environmental risks (*I 15.1, I 15.7, I 15.8, I 15.9, and I 15.12*).
- 15.3.2 Update and redistribute the San Clemente Emergency Multihazard Plan, as appropriate (*I 15.7, I 15.8, and I 15.9*).
- 15.3.3 Promote public awareness in emergency preparedness (*I 15.14*).

V. IMPLEMENTATION PROGRAMS

The following list includes the pro-grams to implement the hazardous materials and uses policies contained in the preceding subsection of the Plan. The capital "I" and the number preceding each program are referenced by the policies which they implement. These are noted in the parentheses at the close of each policy.

A. Hazardous Waste Management Planning

- I 15.1 Participate with the County EMA and health department in all future advisory committees and groups formed to implement and update the Orange County Hazardous Waste Management Plan.

Responsibility: City of San Clemente, Community Development and Fire Department.

Funding Source: City of San Clemente General Fund

Schedule: Ongoing as necessary or as funding permits

- I 15.2 Ensure that development applications include requirements for submittal of information involving the previous and proposed use, storage, handling, transport and/or disposal of hazardous materials/wastes and any previous use, storage, handling and/or disposal of hazardous materials/wastes.

Responsibility: City of San Clemente, Community Development Department.

Funding Source: City of San Clemente General Fund and Fees from development applications.

Schedule: Review and modify development application requirements in concert with the preparation of the revised zoning ordinance, within 18 months of General Plan adoption or as funding permits.

- I 15.3 Maintain a listing of land uses which typically use, store or generate hazardous materials/wastes, to be used for the review of proposed projects.

Responsibility: City of San Clemente, Community Development Department.

Funding Source: City of San Clemente General Fund and/or available state and federal funds.

Schedule: Within 24 months of General Plan adoption or as funding permits.

B. Hazardous Waste Operations

- I 15.4 Continue to work with those agencies that require permits for the use, storage handling, transport or disposal of hazardous materials/waste substances in accordance with applicable federal, state and county laws/regulations.

Responsibility: City of San Clemente, Community Development Department.

Funding Source: City of San Clemente General Fund and/or available state and federal funds.

Schedule: Review and modify development application requirements in concert with the preparation of the revised zoning ordinance, within 18 months of General Plan adoption or as funding permits.

- I 15.5 Require that property owners utilize current technology for hazardous materials remediation.

Responsibility: City of San Clemente, Community Development Department.

Funding Source: City of San Clemente General Fund and fees from development applications.

Schedule: Review and modify development application requirements in concert with the preparation of the revised zoning ordinance, within 18 months of General Plan adoption or as funding permits.

- I 15.6 Continue participation in and coordination with the Southern California Hazardous Waste Management Authority and County EMA efforts to provide comprehensive hazardous waste management.

Responsibility: City of San Clemente, Community Development Department.

Funding Source: City of San Clemente General Fund and/or available state and federal funds.

Schedule: Ongoing, as funding permits.

- I 15.7 Continue to implement county programs of inspection, regulation and enforcement of safe management practices for hazardous materials and waste.

Responsibility: City of San Clemente, Community Development Department.

Funding Source: City of San Clemente General Fund and/or available state and federal funds.

Schedule: Ongoing, as funding permits.

C. Emergency Response

- I 15.8 Continue to coordinate and provide emergency response for spills, illegal dumping, and other incidents involving hazardous materials and wastes through the San Clemente Fire Department and/or other appropriate public agencies.

Responsibility: City of San Clemente Fire Department.

Funding Source: City of San Clemente General Fund.

Schedule: On-going, as funding permits.

- I 15.9 Encourage the County to implement a program to protect groundwater supplies by providing for the timely removal of contaminated water from the aquifer.

Responsibility: City of San Clemente, Community Development and Fire Department.

Funding Source: City of San Clemente General Fund and/or available state and federal funds.

Schedule: Within 24 months of General Plan adoption or as funding permits.

D. Small Quantity Hazardous Waste Management Program

- I 15.10 Continue to work with the County to develop and implement a program to address hazardous waste management needs of small quantity generators in the business sector.

Responsibility: City of San Clemente, Community Development and Fire Department.

Funding Source: City of San Clemente General Fund and/or available state and federal funds.

Schedule: Within 24 months of General Plan adoption or as funding permits.

E. Household Hazardous Waste Program

- I 15.11 Continue to work with the County to develop and implement an ongoing program to assist with collection and disposal of household hazardous waste.

Responsibility: City of San Clemente, Community Development and Fire Department.

Funding Source: City of San Clemente General Fund and/or available state and federal funds.

Schedule: Within 24 months of General Plan adoption or as funding permits.

F. Hazardous Waste Enforcement

I 15.12 Cooperate with the County and other appropriate agencies in its administration and enforcement of waste discharge permit requirements.

Responsibility: City of San Clemente, Community Development Department.

Funding Source: City of San Clemente General Fund.

Schedule: On-going, as funding permits.

G. Program Funding

I 15.13 Solicit State and federal funds to implement the City's hazardous waste management programs as such revenue becomes available.

Responsibility: City of San Clemente, Community Development Department.

Funding Source: City of San Clemente General Fund.

Schedule: As funding permits.

H. Public Education

I 15.14 Coordinate with appropriate agencies in the establishment and maintenance of an information clearinghouse and education program to provide information on chemical properties, health effects, safe disposal methods, and alternative management techniques of hazardous wastes.

Responsibility: City of San Clemente, Community Development and Fire Department.

Funding Source: City of San Clemente General Fund and/or available state and federal funds.

Schedule: Within 24 months of General Plan adoption or as funding permits.

I. Land Use Compatibility

I 15.15 As funds become available, the City shall revise the Zoning Ordinance to reflect the standards indicated in policies 15.1.4, 15.2.4. These shall include the specification of land use development standards to ensure the compatibility of uses which store, collect, treat, or dispose of hazardous materials with adjacent uses (setbacks, full and safe containment, protection from odors, risk and emergency projection, etc.).

Responsibility: City of San Clemente, Community Development Department.

Funding Source: City of San Clemente General Fund and/or available state and federal funds.

Schedule: Review and modify development application requirements in concert with the preparation of the revised zoning ordinance, within 18 months of General Plan adoption or as funding permits.